

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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OAK FINANCIAL GROUP, INC.,

Civ. Action No.: 1:21-cv-03249-
MKB-CLP

Plaintiff,

- v -

INFINITY Q DIVERSIFIED ALPHA FUND, TRUST
FOR ADVISED PORTFOLIOS, INFINITY Q
CAPITAL MANAGEMENT LLC, CHRISTOPHER
E. KASHMERICK, JOHN C. CHRYSTAL, ALBERT
J. DIULIO, S.J., HARRY E. RESIS, RUSSELL B.
SIMON, STEVEN J. JENSEN, JAMES VELISSARIS,
LEONARD POTTER, SCOTT LINDELL, QUASAR
DISTRIBUTORS, LLC, EISNERAMPER LLP,
BONDERMAN FAMILY LIMITED PARTNERSHIP,
LP, and INFINITY Q MANAGEMENT EQUITY, LLC,

Defendants.
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**STIPULATION AND [PROPOSED] ORDER REGARDING
TIME TO RESPOND TO COMPLAINT**

Plaintiff Oak Financial Group, Inc. (“Plaintiff”) and Defendants Trust for Advised
Portfolios, Christopher E. Kashmerick, Russell B. Simon, Steven J. Jensen, Infinity Q Capital
Management LLC, Leonard Potter, Bonderman Family Limited Partnership, LP, John C.
Chrystal, Albert J. DiUlio, S.J., Harry E. Resis, James Velissaris, Infinity Q Management Equity,
LLC, Scott Lindell, Quasar Distributors, LLC, and EisnerAmper LLP (collectively,
“Defendants”), by and through their undersigned counsel, subject to this Court’s approval, agree
and stipulate as follows:

RECITALS

WHEREAS, on June 8, 2021, Plaintiff filed a Complaint against the Defendants asserting
claims under §§ 10(b) and 20(a) of the Securities Exchange Act of 1934, as amended, §§ 11,

12(a), and 15 of the Securities Act of 1933, as amended, and the common law of the State of New York (the “Complaint”);

WHEREAS, there is a putative class action pending in the Supreme Court of the State of New York, New York County entitled: *In re Infinity Q Diversified Alpha Fund Securities Litigation*, Index No. 651295/2021 (the “State Class Action”), which involves the same subject matter as the Complaint and contains overlapping claims and Defendants;

WHEREAS, the Defendants in the State Class Action have moved to dismiss the consolidated complaint in the State Class Action (the “Motions to Dismiss”);

WHEREAS, there is a putative class action pending in the United States District Court for the Eastern District of New York entitled: *Yang v. Trust for Advised Portfolios et al.*, Case No. 1:21-cv-01047-FB-MMH, which involves the same subject matter as the Complaint and contains overlapping claims and Defendants;

WHEREAS the parties agree that in the interests of efficiency and judicial economy, the time to respond to the Complaint in this action should be deferred until resolution of motions to dismiss in the State Class Action;

WHEREAS, the Defendants have each agreed to accept service of the Complaint subject to the terms and conditions of the stipulation below; and

WHEREAS, this is Defendants’ first request for an extension of time to answer, move against, or otherwise respond to the Complaint, and this extension will not affect any other scheduled dates.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for Plaintiff and the attorneys for the Defendants, as follows:

1. The undersigned counsel for the Defendants are authorized to accept, and hereby do accept, service of the Summons and the Complaint in the above-captioned action on behalf of each of the Defendants, without prejudice and without waiver of any defenses, objections, or arguments in this matter or any other matter, including without limitation any arguments regarding personal jurisdiction or venue, except as to sufficiency of service of process of the Summons and Complaint.

2. The time for the Defendants to answer, move, or otherwise respond to the Complaint is stayed pending the resolution of the Motions to Dismiss. Defendants' time to answer, move, or otherwise respond to the Complaint is hereby extended until sixty (60) days after a decision is rendered on the Motions to Dismiss.

3. The Defendants expressly reserve the right to make further application for an extension of the time to respond to the Complaint, and the parties agree to take into consideration future developments in the pending State Class Action and *Yang* action, as well as additional litigations that may be commenced, in determining whether to seek to amend this stipulated order.

4. The parties have not made any prior requests to extend the time to respond to the Complaint.

5. This Stipulation may be executed in counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same Stipulation. A faxed or e-mailed copy of this Stipulation as executed shall have the same force and effect as the original.

Dated: New York, New York
August 12, 2021

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SO ORDERED:

MARGO K. BRODIE, U.S.D.J.